

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

|  |   |                           |
|--|---|---------------------------|
| Bernard Maloyd,                                | ) | C/A No. 1:11-2298-JFA-SVH |
|  | ) |                           |
| Plaintiff,                                     | ) |                           |
| vs.  | ) |                           |
|  | ) | ORDER                     |
| Aiken County Sheriff's Office Detention        | ) |                           |
| Center; Aiken Co. Detention Center Medical     | ) |                           |
| Dept.; Aiken Co. Detention Center Dentist (Dr. | ) |                           |
| S. Taylor Garnett),                            | ) |                           |
|  | ) |                           |
| Defendants.                                    | ) |                           |
| _____  | ) |                           |

The *pro se* plaintiff, Bernard Maloyd, brings this action pursuant to 42 U.S.C. § 1983.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein she suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The Magistrate Judge notes that on January 10, 2012, an order was entered pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) and mailed to the plaintiff, but it was

---

<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

returned to sender. Then, the Magistrate Judge's Report and Recommendation was entered on January 19, 2012, and it was returned to the Clerk's office, undeliverable to addressee. The Magistrate Judge had previously entered an order directing the plaintiff to keep the court apprised of any change in his address, yet the plaintiff has failed to do so. Thus, neither the court nor the defendants have any means of contacting the plaintiff concerning this case.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice in accordance with Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge

February 1, 2012  
Columbia, South Carolina